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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/014,191	11/13/2001	Christoph Dobrusskin	PHN 16,257A	4074
24737 7590 01/31/2007 PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			EXAMINER SAVIC, BORIS	
			ART UNIT	PAPER NUMBER
			3714	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/31/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

10/014,191

Applicant(s)

DOBRUSSKIN ET AL.

Examiner

Boris Savic

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 4-7,12 and 16-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 4-7,12 and 16-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 11/13/2001.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

This action is in response to applicant's amendment received on August 1, 2005.

#### ***Response to Amendment***

It has been noted that claims 4 and 12 have been amended. Claims 5-7 have been previously presented. Claims 1-3, 8-11, and 13-15 have been canceled. Claims 16-21 have been added.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 4-7, 12, and 16-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Gabai et al. (US 5,752,880).

Gabai et al. discloses a wireless computer controlled toy system including a computer system operative to transmit a first transmission via a first wireless transmitter and at least one toy including a first wireless receiver, the toy receiving the first transmission via the first wireless receiver and operative to carry out at least one action based on the first transmission. Gabai et al. discloses a multimedia method and apparatus for use with a screen-based host system provided with information

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processing and I/O facilities, and for interacting with an item, the method/apparatus comprising:

Regarding claims 4 and 16, receiving identity information from the item at the host, in response to proximity conditions between the host and the item, presenting to a user an associated service field at the host in response to the identity information, and transmitting information from the application program to the item, for storage at the item (Col. 1, lines 3-5, Col. 2, lines 47-51, Col. 3, lines 25-35 and 50-55, Col. 8, lines 22-64, Col. 9, lines 14-31 and 44-67, Col. 10, lines 1-6, and Claims 21-23).

Regarding claim 12, identifying the host to the item in response to proximity conditions between the host and the item (Col. 1, lines 3-5, Col. 2, lines 47-51, Col. 3, lines 25-35 and 50-55, Col. 8, lines 22-64, Col. 9, lines 14-31 and 44-67, Col. 10, lines 1-6, and Claims 21-23).

Regarding claim 5, enabling the user to activate information processing operations at the host related to the associated service field (Col. 9, lines 60-62).

Regarding claim 6, transmitting host-generated results related to the associated service field during such proximity conditions to the item (Col. 2, lines 5-8).

Regarding claims 7 and 17, the application program is configured to produce an iconized representation of the item at the host in response to the identity information (Col. 2, lines 56-67, Col. 3, lines 25-35 and 50-55, Col. 7, lines 29-36, Col. 8, lines 1-6, and Claims 21-23).

Regarding claims 18 and 19, wherein the application program includes at least one of: a video game, an audio story, and a diary, Gabai discloses software comprising

a computer game, typically a game including at least one animated character.

Alternatively, the software may comprise educational software or any other interactive software including at least one animated object (Col. 9, lines 10-14). Also, Gabai discloses the computer radio interface 110 that comprises a DC unit 200 which is fed with power through a MIDI interface 210 from a sound card MIDI interface 194, and the following interfaces: a MIDI interface 210 which connects to the sound card MIDI interface 194; an audio interface 220 which connects to an audio interface 192 of the sound card 190; and a secondary audio interface 230 which preferably connects to a stereo sound system for producing high quality sound under control of software running on the computer 100 (not shown) (Col. 10, lines 15-24). This means that the application program which runs on the computer 100, is capable of telling an audio story with help of audio interface 230 which preferably connects to a stereo sound system for producing high quality sound.

Regarding claim 20, the information that is transmitted to the item includes information particular to a user of the item, Gabai discloses the computer radio interface 110 that is preferably also operative to poll the toy control device 130, that is, transmit a signal comprising a request that the toy control device 130 transmit a signal to the computer radio interface 110 (Col.8, lines 25-30). This is the interface of the computer 100 on which the application program is run. Also, the user may interact with the toys 122 and 126 by moving the toys or parts of the toys; by speaking to the toys; by responding to movement of the toys which movement occurs in response to a signal received from the computer 100; by responding to a sound produced by the toys, which

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sound is produced in response to a signal received from the computer 100 and which may comprise music, speech, or another sound; or otherwise (Col. 9, lines 66-67, Col. 10, lines 1-6).

Regarding claim 21, wherein the information that is transmitted to the item includes a state of the application program, Gabai discloses the signal from the radio control interface 110 that comprises one or more of the following: a request to report the status of one or more input devices 140; a request to store data received from one or more input devices 140, typically by latching a transition in the state of one or more input devices 140, until a future time when another signal from the radio control interface 110 requests the toy control device 130 to transmit a signal comprising the stored data received from the one or more input devices 140 (Col. 8, lines 49-50, lines 53-60). Meaning, the signal or information from the radio control interface 110 of computer 100 comprises a request to report the status or level or state of one or more input devices 140 and a request to store data received from one or more input devices 140, typically by latching a transition in the state or level of one or more input devices 140.

### ***Response to Arguments***

Applicant's remarks have been fully considered but they are not deemed persuasive.

Applicant presents a scheme for persons who are not fluent in computer operations to operate a computer. Saying that, he states that when the person brings

an object to the computer, and, upon recognition of the object, a corresponding application program is initiated.

Applicant says that Gabai assumes that the user, or someone associated with the user, is computer-literate, because Gabai assumes that the application program is already running on the computer when the toy is brought into proximity of the computer.

Examiner disagrees. Examiner states that the user, or someone associated with the user, does not have to be computer-literate, because the application program could be automatically launched or initiated on the start of the computer itself. For example, when the computer is turning on, the icons on the right-hand side of the taskbar are automatically launched or initiated.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Boris Savic whose telephone number is (571) 272-2849. The examiner can normally be reached on Monday - Friday, 6:00AM - 3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on (571) 272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BS

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*Ronald Jensen*  
Primary Examiner  
1/29/07